

EX. E

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<p>1 A. I have not. 12:51</p> <p>2 Q. So sitting here today, you can't tell</p> <p>3 us anything about Eastern Profit; is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. You don't know what it does?</p> <p>6 A. I have no idea.</p> <p>7 Q. Did you realize that we're here in the</p> <p>8 case of Eastern Profit versus Strategic Vision?</p> <p>9 MS. TESKE: Object to the form.</p> <p>10 You can answer.</p> <p>11 A. Yes, I did.</p> <p>12 Q. So other than hearing that it's in the</p> <p>13 title of the case, you've never heard of Eastern</p> <p>14 Profit?</p> <p>15 A. I have not. 12:51</p> <p>16 Q. Have you ever heard of Strategic</p> <p>17 Vision?</p> <p>18 A. I have not.</p> <p>19 Q. And you understand it's in the title of</p> <p>20 the case that we're here under, correct?</p> <p>21 A. That's correct.</p> <p>22 Q. So you've never spoken to Yvette Wang</p> <p>23 about Strategic Vision?</p> <p>24 A. No, I have not.</p> <p>25 Q. You've never spoken to Yvette Wang</p> <p style="text-align: right;">Page 54</p>	<p>1 are a director? 12:54</p> <p>2 MS. TESKE: Object to the form.</p> <p>3 A. Can you please ask it again.</p> <p>4 Q. Is ACA Capital Group Limited the</p> <p>5 official name of the entity of which you are a</p> <p>6 director?</p> <p>7 MS. TESKE: Same objection.</p> <p>8 You can answer.</p> <p>9 A. I am not sure.</p> <p>10 Q. So you'll see the first two pages are a</p> <p>11 notice of subpoena.</p> <p>12 A. Mm-hmm.</p> <p>13 Q. If you turn to page 3, you'll see the</p> <p>14 subpoena itself. Do you see that?</p> <p>15 A. I do. 12:55</p> <p>16 MS. TESKE: Object to the form.</p> <p>17 You can answer.</p> <p>18 Q. And do you see about a quarter of the</p> <p>19 way down it says "To"?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And what does it say on that</p> <p>22 line, could you read that, please?</p> <p>23 A. "ACA Capital Group Limited to be served</p> <p>24 to its director, Karin Maistrello 17 Gifford</p> <p>25 Apartment 5F, Jersey City, New Jersey, 07304."</p> <p style="text-align: right;">Page 56</p>
<p>1 about Eastern Profit? 12:52</p> <p>2 A. No, I have not.</p> <p>3 (Whereupon, Maistrello Exhibit 3,</p> <p>4 subpoena issued to ACA Capital Group Limited,</p> <p>5 is marked for identification, as of this</p> <p>6 date.)</p> <p>7 (Whereupon, Maistrello Exhibit 4,</p> <p>8 subpoena issued to Karin Maistrello, is marked</p> <p>9 for identification, as of this date.)</p> <p>10 Q. I'm going to hand you what we're</p> <p>11 marking as Exhibits 3 and 4.</p> <p>12 Please take a look at Exhibit 3.</p> <p>13 A. Which one is that?</p> <p>14 MR. GRENDI: Which one is that,</p> <p>15 they look the same. 12:54</p> <p>16 MR. GREIM: They're not. You'll</p> <p>17 see it's a bit different.</p> <p>18 MS. TESKE: Which one is 3?</p> <p>19 MR. GREIM: Exhibit 3 is the ACA.</p> <p>20 MS. TESKE: Thank you.</p> <p>21 Q. So do you see that Exhibit 3 is a</p> <p>22 subpoena to ACA Capital Group Limited?</p> <p>23 A. Mm-hmm, yes.</p> <p>24 Q. By the way, is ACA Capital Group</p> <p>25 Limited the official name of the entity of which you</p> <p style="text-align: right;">Page 55</p>	<p>1 Q. Is that your address? 12:55</p> <p>2 A. It is.</p> <p>3 Q. And were you served with this subpoena</p> <p>4 at that address?</p> <p>5 MS. TESKE: Object to the form.</p> <p>6 You can answer.</p> <p>7 A. Yes.</p> <p>8 Q. What did you do after you were served</p> <p>9 with this subpoena?</p> <p>10 MS. TESKE: Object if the form.</p> <p>11 You can answer it.</p> <p>12 A. I gave it to our lawyer.</p> <p>13 Q. And was that Ms. Teske sitting here</p> <p>14 next to you?</p> <p>15 A. It was not. 12:56</p> <p>16 Q. Who was that?</p> <p>17 A. Daniel Podhaskie.</p> <p>18 Q. When you say "our lawyer," do you mean</p> <p>19 Golden Spring's lawyer?</p> <p>20 A. Golden Spring's lawyer.</p> <p>21 Q. Now, don't -- I'm not going to ask you</p> <p>22 for the content of your discussion. My only question</p> <p>23 is, did you ask Mr. Podhaskie for legal advice?</p> <p>24 A. I asked him --</p> <p>25 MS. TESKE: No. Whoa, whoa, whoa,</p> <p style="text-align: right;">Page 57</p>

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<p>1 whoa. 12:56 2 MR. GRENDI: Object. Yes or no, yeah. 3 Q. Yes or no. It's a yes or no answer. 4 MS. TESKE: If you thought you 5 were seeking legal advice, say yes. If 6 not, you can say no. 7 A. Then no. 8 Q. All right. Then what did you discuss 9 with him? 10 A. I asked him what should I do with 11 these. 12 Q. And what did he say? 13 MS. TESKE: No, no, no, no, no. 14 MR. GRENDI: Yeah. 15 MS. TESKE: That sounds like -- 12:57 16 MR. GRENDI: Misunderstanding. 17 MS. TESKE: No. That's sounds 18 like a misunderstanding, so I'm going to 19 direct the witness not to answer. 20 MR. GREIM: Okay. 21 Q. What did you do with these after you 22 showed them to Mr. Podhaskie? 23 A. Nothing. 24 Q. I'm sorry. Did you give them to him or 25 did you keep them?</p> <p style="text-align: right;">Page 58</p>	<p>1 You can answer. 12:58 2 A. Yes. I believe so. 3 Q. So do you recall receiving two 4 subpoenas, one for you, Karin Maistrello and the 5 other for ACA to be served on you? 6 MS. TESKE: Object to the form. 7 You can answer. 8 A. Yes. 9 Q. And when you said that you gave them to 10 Mr. Podhaskie. Did you give him both subpoenas? 11 A. Yes. 12 Q. And you didn't keep a copy of either 13 subpoena, correct? 14 A. Correct. 15 Q. Did you -- you'll see that on the back 12:59 16 of the one that's addressed to you, this is 17 Exhibit 4, if you look, there's an Exhibit A. Do you 18 see it lists about eight different document items? 19 A. Yes. 20 Q. Did you take any steps to search for 21 these documents? 22 MS. TESKE: Object to the form. 23 You can answer. 24 A. No. 25 Q. Let me ask you this. When was the</p> <p style="text-align: right;">Page 60</p>
<p>1 A. I gave them to him. 12:57 2 Q. Did you keep a copy for yourself? 3 A. I did not. 4 Q. And just to be clear, let's also take a 5 look at Exhibit 4. Do you recognize Exhibit 4? 6 A. I do not. 7 Q. Okay. You'll see that under where it 8 says, "Please take notice," do you see that it says 9 that "The defendant/counterclaim plaintiff shall 10 cause the attached subpoena directed to nonparty 11 Karin Maistrello to be served after service of this 12 notice." Do you see that? 13 A. Yes, I do. 14 Q. And then if you turn two pages, you see 15 a subpoena? 12:58 16 MS. TESKE: Object to the form. 17 A. Yes. 18 Q. And do you see the "To" line? 19 A. I see it. 20 Q. Could you read who that's to? 21 A. "Karin Maistrello, 17 Gifford Avenue, 22 Apartment 5F, Jersey City, New Jersey, 07304." 23 Q. Is this the subpoena that did you 24 received? 25 MS. TESKE: Objection to form.</p> <p style="text-align: right;">Page 59</p>	<p>1 first time that you saw Exhibits 3 and 4. 01:00 2 MS. TESKE: Object to the form. 3 A. I don't know. To be honest, when I 4 received this, I didn't read them. 5 Q. Did you read them before you gave them 6 to Mr. Podhaskie? 7 A. I did not. 8 Q. Had you seen Exhibits 3 and 4 before 9 the time you were served with process at your house? 10 MS. TESKE: Object to the form. 11 You can answer. 12 A. No. 13 Q. Why did you choose to resign? 14 Well, let me strike that. 15 Why did you resign on July 26th, 2019? 01:01 16 A. I heard from Daniel that something was 17 going on with ACA, something I -- 18 MS. TESKE: Whoa, whoa, whoa, 19 whoa, whoa, whoa, whoa, whoa. 20 MR. GRENDI: Yeah. 21 MS. TESKE: Conversations between 22 you and Daniel are privileged and you are 23 directed not to answer with respect to 24 those conversations. 25 MR. GREIM: I would say this, if</p> <p style="text-align: right;">Page 61</p>

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1 Mr. Podhaskie is giving legal advice, 01:01
 2 it's one thing. If Mr. Podhaskie is
 3 telling her that a subpoena is coming,
 4 that is entirely another thing.
 5 Q. So I'm going to ask you --
 6 MS. TESKE: No. Well -- okay.
 7 You --
 8 MR. GREIM: I'll make my record --
 9 MS. TESKE: That's fine.
 10 MR. GREIM: -- and you can listen
 11 and you can...
 12 Q. So we'll take this in steps, okay?
 13 MS. TESKE: Don't answer the
 14 question.
 15 Q. Did Mr. Podhaskie -- I'm going to ask 01:01
 16 you about things that Podhaskie told you, not about
 17 advice he gave you, okay? There's a difference.
 18 What did Mr. Podhaskie tell you was
 19 going on with ACA?
 20 MS. TESKE: Object to the form of
 21 the question. Direct the witness not to
 22 answer.
 23 I need -- if you can be really
 24 specific in what you're asking.
 25 MR. GREIM: Okay.

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1 MS. TESKE: And she can tell me 01:02
 2 and I can decide whether or not that's an
 3 attorney-client privileged communication.
 4 MR. GREIM: We'll see. We'll find
 5 a way.
 6 Q. Let's be very careful here, okay. I
 7 don't want you to waive any privilege.
 8 When can was the discussion with
 9 Mr. Podhaskie that you were starting to tell us
 10 about?
 11 A. I don't remember.
 12 Q. Was it on July 26th?
 13 A. I don't remember.
 14 Q. Was it on July 25th?
 15 A. I do not remember. 01:02
 16 Q. Does Mr. Podhaskie -- did you
 17 understand Mr. Podhaskie to be counsel to ACA?
 18 MS. TESKE: Object to the form.
 19 You can answer.
 20 A. No.
 21 Q. Did you ever ask Mr. Podhaskie for
 22 legal advice relating to ACA?
 23 MS. TESKE: Object to the form.
 24 You can answer.
 25 A. No.

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1 Q. Did Mr. Podhaskie ever give you advice 01:03
 2 relating to ACA?
 3 MS. TESKE: Object to the form.
 4 You can answer.
 5 A. No.
 6 Q. What did Mr. Podhaskie tell you was
 7 going on with ACA?
 8 MS. TESKE: Object to the form.
 9 Direct you not to answer.
 10 I need to know more about the
 11 context in which this communication
 12 happened before she can answer that
 13 question.
 14 MR. GREIM: Okay. We'll keep
 15 going. We'll see, we'll pick around the 01:03
 16 edges here.
 17 Q. Just go slowly, give your counsel a
 18 chance to object if she wants to, okay?
 19 Did Mr. Podhaskie -- when you spoke
 20 with Mr. Podhaskie, was it over the phone or in
 21 person?
 22 MS. TESKE: You can answer.
 23 A. In person.
 24 Q. Where did the conversation take place?
 25 MS. TESKE: You can answer.

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1 A. At our office. 01:04
 2 Q. What time of day was it?
 3 A. I don't remember.
 4 Q. Who else was present?
 5 A. Just the two of us.
 6 Q. Was Yvette Wang present?
 7 A. She was not.
 8 Q. Without getting into any legal
 9 advice, did Mr. Podhaskie tell you that he had spoken
 10 with William Je?
 11 MS. TESKE: Object to the form of
 12 the question and direct the witness not
 13 to answer.
 14 Q. Did Mr. Podhaskie -- okay.
 15 Let me ask you this. At the end of 01:05
 16 the conversation, did you tell Mr. Podhaskie that you
 17 were going to resign as an ACA director?
 18 MS. TESKE: Object to the form of
 19 the question and direct the witness not
 20 to answer.
 21 MR. GREIM: The problem is that's
 22 a yes or no answer.
 23 MS. TESKE: But it's a yes or no
 24 answer about what she told her company's
 25 lawyer in a conversation where it was

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<p>1 just the two of them about an issue in 01:05 2 which she may very well have been seeking 3 legal advice whether or not, you know, 4 she understands the scope of that or not, 5 and she's a Golden Spring employee who 6 went to the only attorney she knows, 7 Golden Spring's attorney, to talk about a 8 legal document and you want to inquire 9 about those conversations. And I just 10 can't give you a lot of leeway there. 11 MR. GREIM: But the problem is, 12 though, that it's incumbent upon the 13 attorney -- not every lawyer-client 14 discussion is protected by the privilege, 15 and if she's coming to him as the ACA 01:06 16 director and he's not counsel for ACA -- 17 MS. TESKE: It doesn't matter. 18 MR. GREIM: -- it's incumbent upon 19 him to say I'm counsel for Golden Spring. 20 But we don't need to do this on the 21 record. I understand your objection. 22 Q. Let me ask you this. Did Mr. Podhaskie 23 initiate the conversation or did you? 24 MS. TESKE: Object to the form. 25 You can answer.</p> <p style="text-align: right;">Page 66</p>	<p>1 about a legal document? 01:07 2 MS. TESKE: She's already 3 testified that she did. She already 4 testified that she brought these 5 documents to him. I'm not going to allow 6 the witness to divulge infor- -- 7 MR. GREIM: That was the difficult 8 conversation. That's the question. 9 That's the key. That's when she handed 10 him the documents. This conversation 11 happened earlier, that's what I'm asking 12 about. 13 Q. And so my -- 14 MS. TESKE: We don't -- 15 Q. My question is, in the conversation 01:08 16 where you said you heard from Daniel something was 17 going on with ACA -- let me ask you. That was not 18 the conversation where you gave him these documents, 19 was it? 20 A. It was not. 21 Q. So in the conversation where Daniel 22 said something was going on with ACA, did you come -- 23 did you start that conversation with Podhaskie and 24 come to ask him a question or did Podhaskie come to 25 you?</p> <p style="text-align: right;">Page 68</p>
<p>1 A. I'm not clear about what conversation 01:06 2 we're talking about. 3 Q. Okay. You began to tell us a few 4 minutes ago that you heard from Daniel something was 5 going on with ACA. That's the conversation I'm 6 talking about. 7 So my question to you is, did you 8 initiate that conversation or did Mr. Podhaskie? 9 MS. TESKE: Okay. Object and 10 direct the witness not to answer, and I 11 don't know that if that specific 12 conversation was a follow-up on a 13 previous conversation that they had, and 14 I do not know enough to allow the 15 witness -- again, we are talking about a 01:07 16 Golden Spring's employee who went to the 17 only attorney she knows, her Golden 18 Spring's attorney, to talk about 19 something related to a legal case or a 20 legal document. I'm not going to allow 21 the witness -- 22 MR. GREIM: Actually, that was not 23 the witness's testimony, but I will ask 24 you that now. 25 Q. Did you go to Mr. Podhaskie to ask him</p> <p style="text-align: right;">Page 67</p>	<p>1 MS. TESKE: Okay. Object. Direct 01:08 2 the witness not to answer. 3 The only way I am going to get 4 comfortable with the witness answering 5 these questions is if I know more about 6 what those conversations entailed, and I 7 don't -- and that conversation can't 8 happen on the record. 9 MR. GREIM: Okay. 10 MS. TESKE: I need to step out 11 with the witness so I can understand the 12 full scope of what is going on so I 13 can -- 14 MR. GREIM: Okay. Let's go ahead. 15 Let's all refresh in our minds. You know 01:09 16 what? Actually we will come back to it. 17 We'll do that at the end with a bunch of 18 other stuff. Okay, let's put a place 19 mark on this and we'll come back to it. 20 BY MR. GREIM: 21 Q. But let me come back to my question, 22 though, because I don't -- I think you began to 23 answer it talking about this discussion, so now I'm 24 just going to ask you, why did you decide to resign 25 as a director of ACA on July 26th?</p> <p style="text-align: right;">Page 69</p>

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1 MS. TESKE: And I'm going to 01:09
 2 caution you not to reveal any
 3 communications that you had with
 4 Mr. Podhaskie.
 5 A. Can you repeat your question, please.
 6 Q. Why did you decide to resign as an ACA
 7 director on July 26th?
 8 A. I did not want to get involved in
 9 things that I'm not involved with.
 10 Q. What are those things?
 11 A. To be honest, I don't know.
 12 Q. Is it -- are you referring to this
 13 case?
 14 A. I don't know anything about this case.
 15 To be honest, I don't even know why I'm here. The 01:10
 16 reason why I worked for this company, why I trust
 17 William is because we share a mission. That's what
 18 makes me trust him and that's probably why he trusts
 19 me.
 20 Anything else, what he does, who he is,
 21 his family, I don't know. I don't care. We're
 22 trying to work to make China a better place and
 23 that's all that matters.
 24 Q. Why did you think that resigning from
 25 ACA as a director would keep you from getting

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1 involved in things that you don't want to be involved 01:11
 2 in?
 3 MS. TESKE: Object to the form.
 4 You can answer.
 5 A. Can you repeat your question, please.
 6 MR. GREIM: I'll have the court
 7 reporter do that.
 8 (Whereupon, the record is read.)
 9 A. I'm not sure I understand the question.
 10 Q. You told me a few minutes ago that you
 11 resigned from ACA because you did not want to get
 12 involved in things that you don't want to be involved
 13 in. Do you remember that testimony?
 14 MS. TESKE: Object to the form.
 15 You can answer. 01:11
 16 A. Yes.
 17 Q. And so, my question is, why did you
 18 think that resigning as a director of ACA would
 19 accomplish that goal?
 20 MS. TESKE: Object to the form.
 21 You can answer.
 22 A. Let's put it this way. You are part of
 23 a company or you work in a store. There are things
 24 in the store that you don't want to get involved
 25 with. You resign. You're not part of it any more.

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1 Q. What are the things that you don't want 01:12
 2 to be involved in?
 3 MS. TESKE: Object to the form.
 4 You can answer.
 5 A. I don't know.
 6 Q. But whatever they were, they were
 7 serious enough for you to resign from ACA?
 8 MS. TESKE: Object to the form.
 9 You can answer.
 10 MR. GRENDI: Object to the form.
 11 A. I don't know.
 12 Q. You just testified a second ago that
 13 you trusted Mr. Je because you shared a mission of
 14 making China a better place, right?
 15 A. That's correct. 01:13
 16 Q. And is that the mission you thought ACA
 17 had?
 18 A. No. I trust him as a person as I know
 19 that he shares the same idea about the Communist
 20 Party and how bad they are. I am not talking about
 21 ACA or any other thing. I was talking specifically
 22 about him as a person.
 23 Q. So what is the thing you were trying to
 24 keep from getting involved in by resigning as a
 25 director?

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1 MS. TESKE: Object to the form. 01:13
 2 You can answer.
 3 A. I don't know. I don't know
 4 specifically what's going on here with these -- with
 5 any company. I just feel that I don't want to be
 6 involved in something that does not belong to me.
 7 Q. What did you learn that made you decide
 8 that you did not want to be involved in ACA as of
 9 July 26th?
 10 MS. TESKE: Object to the form.
 11 You can answer.
 12 A. Really nothing.
 13 Q. Was it something Mr. Podhaskie told
 14 you?
 15 MS. TESKE: Object to the form, 01:14
 16 and -- object to the form.
 17 You can answer without giving away
 18 any substance of communications.
 19 A. Yes.
 20 Q. So it's something Mr. Podhaskie told
 21 you but you can't tell us what that thing is; is that
 22 your testimony today?
 23 MS. TESKE: Because I'm directing
 24 her not to.
 25 MR. GREIM: Well, okay. So you're

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